

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: INSULIN PRICING LITIGATION

Case No. 2:23-md-3080 (BRM)(RLS)

MDL No. 3080

ORAL ARGUMENT REQUESTED

CERTIFICATION OF MELISSA A. GEIST IN SUPPORT OF MANUFACTURERS'
BRIEF REGARDING CONSTRUCTIVE NOTICE

I, Melissa A. Geist, of full age, hereby certify as follows:

1. I am a partner at Reed Smith LLP licensed to practice in the State of New Jersey. I submit this certification in support of Manufacturers' Brief Regarding Constructive Notice.

2. Attached as **Exhibit 1** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an October 7, 2016 article from the Wall Street Journal titled *Insulin Prices Soar While Drugmakers' Share Stays Flat*.

3. Attached as **Exhibit 2** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 3, 2016 letter from Senator Bernie Sanders and the Honorable Elijah Cummings to the United States Department of Justice and Federal Trade Commission on Insulin Pricing.

4. Attached as **Exhibit 3** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of a January 2007 publication from the Congressional Budget Office titled *Prescription Drug Pricing in The Private Sector*.

5. Attached as **Exhibit 4** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of a June 2008 article from American Health Drug Benefits titled *Comparing Pharmacy Benefit Managers: Moving Well Beyond the Simple Spreadsheet Analysis*.

6. Attached as **Exhibit 5** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of a March 3, 2011 report from the United States Department of Health and Human Services Office of the Inspector General titled *Concerns with Rebates in the Medicare Part D Program*.

7. Attached as **Exhibit 6** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a May 6, 2015 article from Bloomberg titled *Hot Drugs Show Sharp Price Hikes in Shadow Market*.

8. Attached as **Exhibit 7** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a February 21, 2016 article from the New York Times titled *Break Up the Insulin Racket*.

9. Attached as **Exhibit 8** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a April 5, 2016 article from PBS News titled *What's Behind Skyrocketing Insulin Prices?*.

10. Attached as **Exhibit 9** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an August 2, 2016 article from the Boston Globe titled *We Should Expect More of Drug Middlemen*.

11. Attached as **Exhibit 10** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an August 25, 2016 article from CBS News titled *Soaring Insulin Prices Have Diabetics Feeling The Pain*.

12. Attached as **Exhibit 11** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an October 31, 2016 article from The Washington Post titled *Why Treating Diabetes Keeps Getting More Expensive*.

13. Attached as **Exhibit 12** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a February 22, 2016 article from Healthline titled *The High Cost of Insulin (And a Plea to Lilly)*.

14. Attached as **Exhibit 13** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 3, 2016 article from The Washington Post titled *Bernie Sanders Wants the Feds to Investigate These Drug Companies for Possible Price Collusion*.

15. Attached as **Exhibit 14** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 4, 2016 article from PBS News titled *Bernie Sanders Requests Federal Investigation of Insulin Makers For Price Collusion*.

16. Attached as **Exhibit 15** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a January 30, 2017 article from the New York Times titled *Drug Makers Accused of Fixing Prices on Insulin*.

17. Attached as **Exhibit 16** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a January 30, 2017 article from Business Insider titled *The Makers of Insulin Are Being Accused of Price-Fixing In a Class-Action Lawsuit*.

18. Attached as **Exhibit 17** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a January 30, 2017 article from The Washington Post titled *Diabetes Patients Sue Insulin Makers for 'Pricing Fraud'*.

19. Attached as **Exhibit 18** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a January 31, 2017 article from the Boston Globe titled *Lawsuit Alleges Collusion Over Insulin Pricing*.

20. Attached as **Exhibit 19** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of a Sanofi Form 20-F filed March 3, 2017.

21. Attached as **Exhibit 20** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of a CVS Form 10-Q filed August 8, 2017.

22. Attached as **Exhibit 21** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of a June 1, 2018 report from the United States Senate Committee on Finance Minority Staff titled *A Tangled Web: An Examination of the Drug Supply and Payment Chains*.

23. Attached as **Exhibit 22** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a February 22, 2019 article from the United States Senate Committee of Finance titled *Grassley, Wyden Launch Bipartisan Investigation into Insulin Prices*.

24. Attached as **Exhibit 23** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of an April 10, 2019 report from the United States House of Representatives Subcommittee on Oversight and Investigations titled *Priced Out of a Lifesaving Drug: Getting Answers on the Rising Cost of Insulin*.

25. Attached as **Exhibit 24** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an April 10, 2019 article from the New York Times titled *Lawmakers in Both Parties Vow to Rein in Insulin Costs*.

26. Attached as **Exhibit 25** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a February 7, 2003 article from Knight-Ridder Tribune titled *Critics Say Middlemen for Health Insurance Plans are Driving Drug Costs Up*.

27. Attached as **Exhibit 26** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of a complaint filed in New York Superior Court on December 31, 2003 titled *Wagner v. Express Scripts, Inc.*, Docket No. 122235/03 (N.Y. Sup. Ct. 2003).

28. Attached as **Exhibit 27** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of a complaint filed in New York Superior Court on August 4, 2004 titled *State of New York et al. v. Express Scripts, Inc., et al.*, 2004 WL 1792404 (N.Y. Sup. Ct. Aug. 4, 2004).

29. Attached as **Exhibit 28** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an August 9, 2004 article from the New York Times titled *Mistrusting the Drug Managers*.

30. Attached as **Exhibit 29** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an August 5, 2004 article from The Times Union titled *Spitzer Accuses Firm of Fraud; Albany Lawsuit Claims Company Hired by State to Buy Medications Took Tens of Millions of Dollars it Didn't Earn*.

31. Attached as **Exhibit 30** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a July 31, 2017 article from Mercer titled *Will Point-of-Sale Rebates Disrupt the PBM Business?*.

32. Attached as **Exhibit 31** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of a November 8, 2017 transcript from the United States Federal Trade Commission titled *Understanding Competition in Prescription Drug Markets: Entry and Supply Chain Dynamic Workshop*.

33. Attached as **Exhibit 32** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a January 3, 2016 article from The Philadelphia Inquirer titled *Insulin Price Shock*.

34. Attached as **Exhibit 33** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a January 29, 2016 article from The Philadelphia Inquirer titled *Patients Shocked as Insulin Prices Climb Higher*.

35. Attached as **Exhibit 34** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a March 2016 article from Diabetes Forecast titled *The Rising Cost of Insulin: Why the Price of This Lifesaving Drug is Reaching New Heights*.

36. Attached as **Exhibit 35** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an April 5, 2016 article from JAMA titled *Expenditures and Prices of Antihyperglycemic Medications in the United States: 2002-2013*.

37. Attached as **Exhibit 36** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an April 5, 2016 article from TIME titled *Lifesaving Diabetes Drug Price Tripled in 10 Years*.

38. Attached as **Exhibit 37** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an April 5, 2016 article from ScienceDaily titled *Sugar Shock: Insulin Costs Tripled in 10 Years, Study Finds*.

39. Attached as **Exhibit 38** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an April 5, 2016 article from STAT titled *Insulin Prices Have Skyrocketed, Putting Drug Makers on the Defensive*.

40. Attached as **Exhibit 39** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an April 6, 2016 article from NEJM Journal Watch titled *Cost of Insulin Has Nearly Tripled*.

41. Attached as **Exhibit 40** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of a June 29, 2016 article from Bloomberg titled *Decoding Big Pharma's Secret Drug Pricing Practices*.

42. Attached as **Exhibit 41** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an August 24, 2016 article from Slate titled *Good Lord. Even the Price of Insulin is Skyrocketing*.

43. Attached as **Exhibit 42** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a September 15, 2016 article from Business Insider titled *Rising Insulin Prices Are Taking a Toll on Parents of Kids with Type 1 Diabetes*.

44. Attached as **Exhibit 43** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a September 17, 2016 article from Business Insider titled *There's Something Odd About the Way Insulin Prices Change*.

45. Attached as **Exhibit 44** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an October 5, 2016 article from HeraldNet titled *Here's Why Patients Pay \$600 for Drugs That Cost \$300*.

46. Attached as **Exhibit 45** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an October 14, 2016 article from STAT News titled *The Insulin Market Is Heading for A Shakeup. But Patients May Not Benefit*.

47. Attached as **Exhibit 46** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 1, 2016 article from the IndyStar titled *Bernie Sanders' Tweets Send Lilly Shares Tumbling*.

48. Attached as **Exhibit 47** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 2, 2016 article from NBC News titled *Is Insulin the New EpiPen? Families Facing Sticker Shock Over 400 Percent Price Hike*.

49. Attached as **Exhibit 48** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 7, 2016 article from Managed Healthcare titled *Insulin Makers Accused of Price Collusion*.

50. Attached as **Exhibit 49** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 16, 2016 article from 9News titled *Drug Makers Double Insulin Prices Since 2012*.

51. Attached as **Exhibit 50** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 16, 2016 article from Bloomberg titled *Novo Expects 'Soul Searching' as Sanders Targets Insulin Makers*.

52. Attached as **Exhibit 51** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 17, 2016 article from the American Diabetes Association titled *American Diabetes Association Issues Resolution and Launches Petition Calling for Access to Affordable Insulin*.

53. Attached as **Exhibit 52** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 17, 2016 article from Politico titled *Diabetes Group Calls for Congressional Hearings on Insulin Pricing*.

54. Attached as **Exhibit 53** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 18, 2016 article from The Washington Post titled *American Diabetes Association Calls on Congress to Hold Hearings on Insulin Prices*.

55. Attached as **Exhibit 54** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 21, 2016 article from Investor's Business Daily titled *A Sick Calculation About Prescription Drugs*.

56. Attached as **Exhibit 55** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 29, 2016 article from CBS News titled *Insulin Prices Skyrocket, Putting Many Diabetics in A Bind*.

57. Attached as **Exhibit 56** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a December 6, 2016 article from The Wall Street Journal titled *Novo Nordisk Pledges to Limit Price Increase in U.S. for Its Drugs*.

58. Attached as **Exhibit 57** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a December 13, 2016 article from The Washington Post titled *After Years of Price Hikes, Eli Lilly Announces a Discount on Insulin*.

59. Attached as **Exhibit 58** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a December 13, 2016 article from The Wall Street Journal titled *Eli Lilly Offers Discount for Insulin as Prices Soar*.

60. Attached as **Exhibit 59** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a December 20, 2016 article from the Los Angeles Times titled *Insulin Price Hikes Aren't Sweet*.

61. Attached as **Exhibit 60** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of the original *Chaires v. Novo Nordisk Inc.* complaint filed on February 2, 2017 (Case No. 3:17-cv-00699).

62. Attached as **Exhibit 61** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a February 5, 2017 article from the Sacramento Bee titled *Diabetes Has Become One of America's Most Expensive Diseases*.

63. Attached as **Exhibit 62** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a February 22, 2017 article from CBS titled *More Than Twenty-Nine Million Americans Live with Diabetes Every Day*.

64. Attached as **Exhibit 63** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a May 15, 2017 article from Business Insider titled *Insulin Prices Increased in 2017*.

65. Attached as **Exhibit 64** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a June 11, 2017 article from the Pittsburgh Post-Gazette titled *Rising Cost of Insulin Just One Hurdle for Seniors with Disabilities*.

66. Attached as **Exhibit 65** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a June 23, 2017 article from The Washington Post titled *Lawmakers Scrutinize Cost of Insulin*.

67. Attached as **Exhibit 66** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a June 25, 2017 article from The Washington Post titled *Insulin Costs Too Much for Many of My Patients. It Shouldn't*.

68. Attached as **Exhibit 67** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a June 29, 2017 article from Bloomberg titled *The Crazy Math Behind Drug Prices*.

69. Attached as **Exhibit 68** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a June 29, 2017 article from the Des Moines Register titled *Prices of Insulin Have Tripled, Attracting Attention of Congress*.

70. Attached as **Exhibit 69** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a July 3, 2017 article from the Minneapolis Star Tribune titled *Diabetes Costs Skyrocket as Crisis Looms*.

71. Attached as **Exhibit 70** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a July 21, 2017 article from Business Monitor Online titled *Congressional Scrutiny of Insulin Producers Highlight Growing Price Oversight Push*.

72. Attached as **Exhibit 71** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a September 13, 2017 article from USA Today titled *Insulin Prices Crisis on Diabetics; Those Whose Lives Depend on Drug Struggle to Pay for It*.

73. Attached as **Exhibit 72** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a September 18, 2017 article from Newsday titled *Rising Cost of Insulin Leads LI Diabetics to Take Dangerous Risks*.

74. Attached as **Exhibit 73** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an October 2, 2017 article from Newsday titled *Insulin Illustrates Health Care Woes; The Rising Price of a Basic Medication Shows Why We Need Smarter Regulation*.

75. Attached as **Exhibit 74** to Manufacturers' Brief Regarding Constructive Notice is an excerpt of a true and correct copy of Lori M. Reilly's written testimony before the October 17, 2017 hearing of the United States Senate Health, Education, Labor and Pensions Committee.

76. Attached as **Exhibit 75** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an October 28, 2017 article from NBC News titled *Several Probes Target Insulin Drug Pricing*.

77. Attached as **Exhibit 76** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a November 13, 2017 article from The Washington Post titled *Trump's Pick to Lower Drug Prices is a Former Pharma Executive Who Raised Them*.

78. Attached as **Exhibit 77** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of a December 15, 2017 article from FDA Week titled *Left With Unanswered Questions, E&C Might Hold Another Rx-Price Hearing*.

79. Attached as **Exhibit 78** to Manufacturers' Brief Regarding Constructive Notice is a true and correct copy of an August 12, 2002 article from U.S. News & World Report titled *When is a Rebate a Kickback?*.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.

May 2, 2025

REED SMITH LLP

/s/ Melissa A. Geist

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